



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/727,993

12/05/2003

Yukiko Shikata

Q78780

7272

23373 7590 09/04/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

THOMAS, ASHISH

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,993

Applicant(s)

SHIKATA, YUKIKO

Examiner

Ashish K. Thomas

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/14/06, 2/21/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips(U.S. 2002/0186406) in view of MacNaughton(U.S. 7,058,892).

Regarding claim 1, Phillips discloses that "a print control apparatus comprises, an information obtaining means which obtains from a printer, information regarding a consumed level of a consumable item." (**Figure 4, step 406 details the ability to gather the print media usage data from a printer. This step inherently teaches the existence of the obtaining means stated in the claim language.**) Phillips further teaches "a notifying means which notifies the user that the consumed level of the consumable item is in advanced stage." (**Paragraph 23 of the Phillips reference divulges that a user is warned when the consumables are at an advanced level. The ability to warn the user implies the existence of the notifying means claimed in the claim language.**) And finally, the Phillips reference discloses "a determining means which determines whether or not the user is notified of an advanced consumed level as to the consumable item whose consumed level is found to be in advanced stage according to said information regarding the consumed level." (**Paragraph 23**

details the ability to inform the user of the advanced level of the consumable items.)

But Phillips fails to teach “a receiving means which selectively receives a setting from a user in which a notice that the consumed level of the consumable item is in advanced stage is limited to once within a predetermined period of time.” Nor does Phillips teach that “when the consumable item whose consumed level is found to be in advanced stage has a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, and said notice has already been given within said predetermined period of time, said determining means determines that the user is not notified of the advanced consumed level, and when said notice has not been given to the user within said predetermined period of time, said determining means determines that the user is notified of the advanced consumed level.”

However, incorporating MacNaughton with Phillips would put forth “a receiving means which selectively receives a setting from a user in which a notice that the consumed level of the consumable item is in advanced stage is limited to once within a predetermined period of time” as well as a method wherein “when the consumable item whose consumed level is found to be in advanced stage has a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, and said notice has already been given within said predetermined period of time, said determining means determines that the user is not notified of the advanced consumed level, and when said notice has not been given to the user within said predetermined period of time, said determining means determines that the user is notified of the

Art Unit: 2625

advanced consumed level.” **(Note that the MacNaughton, in column 7, lines 18-38, describes a scenario wherein the user can set the number of notifications he/she may receive in a certain interval. For example, the reference teaches that the user can configure the notification interval to be one day. What is inherently taught in this reference is limiting the notifications to once during the predetermined interval; and if a notification has been given already during the set interval, then prohibiting further notifications during that interval.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Phillips with MacNaughton to create the print control apparatus stated in claim 1.

The motivation would be to devise a method that would give importance to the concept of notification by limiting the number of notification during a predetermined time period as opposed to constantly notifying and thus losing the significance of the notification.

Regarding claim 2, the previously mentioned Phillips/MacNaughton combination fully realizes the limitations stated in claim 1. Furthermore, MacNaughton divulges “a printer control unit according to claim 1, wherein, said predetermined period of time is one day, and said determining means stores a date when the notice is given to the user, if the setting is such that the notice as to advanced consumed level regarding the consumable item whose consumed level is in advanced stage, is limited to once within said predetermined period of time.” **(Please note that column 7, lines 36-37 of MacNaughton teaches that the user can set the predetermined period of time to**

be a day. What this reference inherently teaches is the ability to keep track of the notifications and not exceed the set limit.)

Regarding claim 3, the previously mentioned Phillips/MacNaughton combination fully realizes the limitations stated in claim 1. In addition, Phillips teaches “a printer control unit according to claim 1, wherein, said receiving means further selectively receives a setting that the notice as to the advanced consumed level is not given and a setting that the notice as to advanced consumed level is given without limiting the number of times.” **(Paragraph 23 of the Phillips reference divulges a scenario wherein the user is warned without setting any type of limits on the number of warnings.)**

Regarding claim 4, the previously mentioned Phillips/MacNaughton combination fully realizes the limitations stated in claim 1. Furthermore Phillips describes that the “printer is provided with plural types of consumable items, said information obtaining means obtains information regarding a consumed level per consumable item from said printer, and said receiving means selectively receives per consumable item a setting that the notice as to advanced consumed level of the consumable item is limited to once within the predetermined period of time.” **(Paragraph 22 of the Phillips reference divulges a list of possible consumables. And these include various types of print media as well as marking agents. Phillips teaches that the consumed level of each of these plurality of consumable items are monitored.)**

Analogous Claims

2. Regarding claim 5, it is rejected in the same manner as claim 1. Note that claim 5 is claiming a record medium consisting of a computer program that achieves the method stated in claim 1.
3. Regarding claim 6, it is rejected in the same manner as claim 2.
4. Regarding claim 7, it is rejected in the same manner as claim 4.

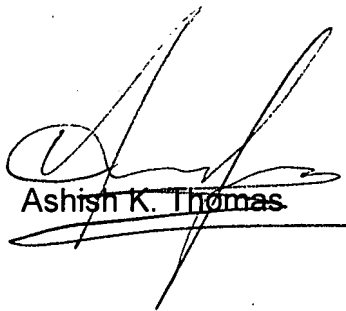
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashish K. Thomas whose telephone number is 571-272-0631. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. EST.

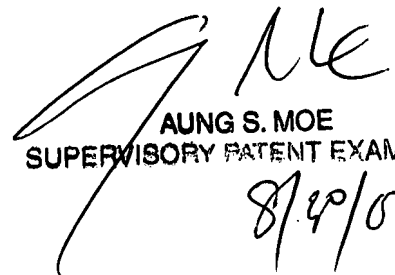
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2625



Ashish K. Thomas



AUNG S. MOE
SUPERVISORY PATENT EXAMINER
8/4/07